

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
<b>Robertson, Anschutz &amp; Schneid, P.L.</b> 6409 Congress Ave., Suite 100 Boca Raton, FL 33487 Telephone Number 561-241-6901 Attorneys For Secured Creditor  Harold Kaplan, Esq. (HK-0226)	CASE NO.: 18-23011-CMG  CHAPTER 13  <b>Objection to Confirmation of Debtor's Chapter 13 Plan</b>
<b>In Re:</b>  <b>Eric L Torres</b> <b>aka Melissa Michalski,</b>  <b>Debtor.</b>  <b>Melissa Torres</b> <b>aka Melissa Michalski,</b>  <b>Joint Debtor.</b>	

**OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-R10 ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 4), and states as follows:

1. Debtors, Eric L Torres ("Debtor") and Melissa Torres ("Joint Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on June 28, 2018.
2. Secured Creditor holds a security interest in the Debtor's real property located at 36 ORANGE DR., MARLBORO, NJ 07746, by virtue of a Mortgage recorded on November 1, 2005 in Book OR-8506, at Page 6681 of the Public Records of Monmouth County, NJ. Said Mortgage secures a Note in the amount of \$247,200.00.
3. The Debtor filed a Chapter 13 Plan on June 28, 2018.
4. The Plan includes payments toward the Note and Mortgage with Secured Creditor, however the figures used by the Debtor are inaccurate. It is anticipated that Secured

Creditor's claim will show the pre-petition arrearage due Secured Creditor is \$26,928.76, whereas the Plan proposes to pay only \$24,573.14. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which proposes to pay it anything less than \$26,928.76 as the pre-petition arrearage over the life of the plan.

5. The Plan does not appear feasible due to inadequate treatment of Secured Creditor's claim. Thus, the plan violates the provisions of 11 U.S.C. § 1325(a)(3) and cannot be confirmed.

**WHEREFORE**, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

Robertson, Anschutz & Schneid, P.L.  
Attorney for Secured Creditor  
6409 Congress Ave., Suite 100  
Boca Raton, FL 33487  
Telephone Number 561-241-6901

By: /s/Harold Kaplan  
Harold Kaplan, Esquire  
NJ Bar Number HK-0226  
Email: hkaplan@rasnj.com

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
<b>Robertson, Anschutz &amp; Schneid, P.L.</b> 6409 Congress Ave., Suite 100 Boca Raton, FL 33487 Telephone Number 561-241-6901 Attorneys For Secured Creditor  Harold Kaplan, Esq. (HK-0226)	CASE NO.: 18-23011-CMG  CHAPTER 13  <b>Objection to Confirmation of Debtor's Chapter 13 Plan</b>
<b>In Re:</b> <b>Eric L Torres</b> <b>aka Melissa Michalski,</b> <b>Debtor.</b> <b>Melissa Torres</b> <b>aka Melissa Michalski,</b>  <b>Joint Debtor.</b>	

**CERTIFICATION OF SERVICE**

1. I, Harold Kaplan, represent DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR AMERIQUEST MORTGAGE SECURITIES INC., ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-R10 in this matter.
2. On 7/24/2018, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

7/24/2018

Robertson, Anschutz & Schneid, P.L.  
Attorney for Secured Creditor  
6409 Congress Ave., Suite 100  
Boca Raton, FL 33487  
Telephone Number 561-241-6901  
By: /s/Harold Kaplan  
Harold Kaplan, Esquire  
NJ Bar Number HK-0226  
Email: hkaplan@rasnj.com

<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
William H. Oliver, Jr. William H. Oliver, JR 2240 State Highway 33 Suite 112 Neptune, NJ 07753	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  (as authorized by the court*)
Eric Louis Torres 36 Orange Drive Marlboro, NJ 07746	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  (as authorized by the court*)
Melissa Torres 36 Orange Drive Marlboro, NJ 07746	Joint Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  (as authorized by the court*)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  (as authorized by the court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other  (as authorized by the court*)